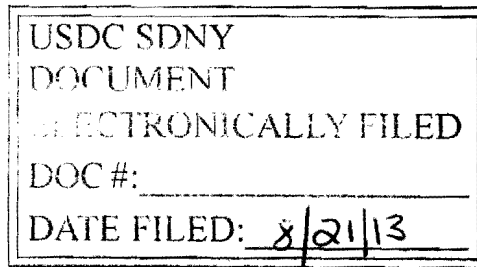


GOODWIN PROCTER

Richard M. Strassberg
212.813.8859
rstrassberg@goodwinprocter.com

Goodwin Procter LLP
Counselors at Law
The New York Times Building
620 Eighth Avenue
New York, NY 10018
T: 212.813.8800
F: 212.355.3333



August 15, 2013

BY HAND

Honorable Paul G. Gardephe
United States District Court for the
Southern District of New York
United States Courthouse
40 Foley Square Street
New York, NY 10007

MEMO ENDORSED

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: August 21, 2013

Re: *United States v. Martoma*, No. 12 Cr. 973 (PGG)

Dear Judge Gardephe:

We write with the consent of the United States Attorney's Office for the Southern District of New York ("USAO") to seek the Court's leave to make a production of documents covered by the Protective Order in this case (ECF No. 9) to plaintiffs in *Kaplan et al. v. S.A.C. Capital Advisors, L.P. et al.*, No. 12 Civ. 9350 (VM) (KNF).

By way of background, on July 19, 2013, in the *Kaplan* case (a putative class action based on certain of the facts at issue in this case before Your Honor), Magistrate Judge Fox entered an order (the "July 19 Order") granting in part and denying in part the *Kaplan* plaintiffs' motion for relief from the discovery stay imposed by the Private Securities Litigation Reform Act of 1995. Mr. Martoma, the *Kaplan* plaintiffs, the Securities and Exchange Commission ("SEC"), and the USAO subsequently negotiated an agreed-upon scope of production in *Kaplan* (the "Stipulation"), which was endorsed by Judge Fox on August 14, 2012 and is annexed hereto.

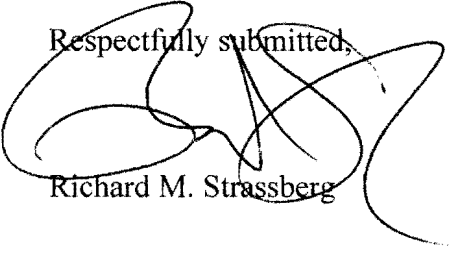
Before any documents can be shared with the *Kaplan* plaintiffs, however, the parties must first seek the permission of this Court pursuant to the Protective Order, which provides that "any documents, the information contained therein, and other information" provided by the USAO to Mr. Martoma shall be "deemed confidential," and "shall be used by the defendant and/or his counsel *solely* for the purposes of this criminal action," but the defendant may seek leave from this Court for relief from this provision. (emphasis added.)

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Accordingly, pursuant to Paragraph 1 of the Protective Order, Mr. Martoma, with the consent of the USAO, seeks relief to allow the production set forth in the *Kaplan* Stipulation. It is understood that any such relief would be limited **and** that the *Kaplan* plaintiffs would be strictly bound to the terms of the Protective Order, consistent with paragraph 3 which provides that recipients of confidential information “shall be subject to the terms of this Order.”

Respectfully submitted,



Richard M. Strassberg

Enclosure

cc: All Counsel of Record
Deborah Clark-Weintraub, Scott + Scott
Charles Riely, SEC
Ethan Wohl, Wohl & Fruchter